

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

NOBILIS HEALTH CORP., *et al.*,

Debtors.

ALFRED T. GIULIANO, in his capacity as
Chapter 7 Trustee for the jointly administered
bankruptcy estates of Nobilis Health Corp., *et*
al.,

Plaintiff,

v.

HARRY J. FLEMING, *et al.*,

Defendants.

Chapter 7

Case No. 19-12264-CTG

Jointly Administered

Adv. Pro. No. 21-51183-CTG

STIPULATION REGARDING USE OF DISCOVERY FROM OTHER PROCEEDING

Plaintiff, Alfred T. Giuliano, in his capacity as Chapter 7 Trustee for the jointly administered bankruptcy estates of Nobilis Health Corp., *et al.* (the “Trustee”) and Defendants Harry J. Fleming, P. David Young, Brandon Moreno, Kenneth Efird, Steve Ozonian, and Marcos Rodriguez (collectively, “Defendants” and together with the Trustee, “Parties”), by and through their undersigned counsel—in an effort to streamline discovery in the above-captioned litigation (the “Litigation”)—enter into this stipulation governing the use of discovery from the Texas state court proceeding captioned *BBVA USA v. Fleming et al.*, Cause No. DC-20-07462 (44th Judicial Ct., Dallas Cty., Texas) (the “BBVA Action”), in which Defendants Fleming, Young and Moreno were parties.

NOW, THEREFORE, the Parties, by and through their undersigned counsel, hereby STIPULATE AND AGREE, as follows:

1. Except for the reports, disclosures and any deposition testimony of experts retained or used in the BBVA Action, all fact discovery from the BBVA Action produced to the Trustee, including depositions, deposition exhibits, documents, responses to interrogatories, responses to document requests, and responses to requests for admission (collectively, the “BBVA Discovery”) shall, for all purposes, be treated as though the BBVA Discovery had been produced, submitted, or exchanged in this Litigation and may be used by any party to this Litigation as if discovered in this Litigation.

2. The Parties reserve objections to admissibility to the extent otherwise available as to discovery produced, submitted, or exchanged in this Litigation.

Dated: February 2, 2023
Wilmington, Delaware

COZEN O’CONNOR

/s/ John T. Carroll III
John T. Carroll, III
1201 North Market Street
Suite 1001
Wilmington, Delaware 19801
Telephone: (302) 295-2028
Email: jcarroll@cozen.com

—and—

COREN & RESS, P.C.

/s/ Steven M. Coren
Steven M. Coren, Esq. *pro hac vice*
Benjamin M. Mather, Esq. *pro hac vice*
Two Commerce Square
2001 Market Street, Suite 3900
Philadelphia, PA 19103
Tel: (215) 735-8700
Fax: (215) 735-5170
scoren@kcr-law.com
bmather@kcr-law.com

Counsel for Plaintiff
Alfred T. Giuliano, Ch. 7 Trustee

Dated: February 2, 2023

CHIPMAN BROWN CICERO & COLE, LLP

/s/ Mark L. Desgrosseilliers

Mark L. Desgrosseilliers (No. 4083)
Hercules Plaza
1313 North Market Street, Suite 5400
Wilmington, Delaware 19801
Telephone: (302) 295-0191
Email: desgross@chipmanbrown.com

—and—

LYNN PINKER HURST & SCHWEGMANN, LLP

/s/ Kent Krabill

Edward Jason Dennis *pro hac vice*
Kent Krabill *pro hac vice*
Patrick Disbennett *pro hac vice*
Leo Park *pro hac vice*
2100 Ross Avenue, Suite 2700
Dallas, Texas 75201
Telephone: (214) 981-3800
Facsimile: (214) 981-3839
Email: jdennis@lynnllp.com
kkrabill@lynnllp.com
pdisbennett@lynnllp.com
lpark@lynnllp.com

Counsel for Defendants

—and—

WEIL GOTSHAL & MANGES LLP

/s/ Paul R. Genender

Paul R. Genender (*admitted pro hac vice*)
Texas State Bar No. 00790758
paul.genender@weil.com
200 Crescent Court, Suite 300
Dallas, Texas 75201
214-746-7700
214-746-7777 (fax)

Counsel for Defendant Harry J. Fleming